

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO. S1 15-CR-378 PGG**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDY RENAN NAJERA MONTTOYA,

Defendant.

_____ /

MOTION TO WITHDRAW AS COUNSEL OF RECORD

The undersigned, **Victor E. Rocha, Esquire**, moves this Honorable Court, pursuant to Local Rules of the U.S. District Court for the Southern District of New York 1.4, to enter an Order allowing the undersigned counsel, Victor E. Rocha, Esquire, to withdraw as trial counsel. In support of the foregoing, undersigned counsel states the following:

1. Undersigned counsel filed his Permanent Notice of Appearance on February 23rd, 2018 on behalf of the Defendant for “trial level only”. See D.E. 6.
2. In consideration for undersigned counsel filing his Notice of Appearance, Defendant and undersigned counsel came to a mutual agreement that contemplated representation solely for the purposes of assisting the Defendant in

surrendering to United States authorities and agreeing to resolve the case, but specifically did not include trial. When the plea negotiations with the government broke down in June 2018, the matter was placed on the Court's December 10, 2018 two-week trial calendar. Defendant requested that the undersigned continue to represent him, but not including as trial counsel.

3. Despite the foregoing, the undersigned has attempted to diligently preserve and defend the Defendant's interests prior to trial. Nevertheless, the Defendant has failed to retain counsel for trial purposes which clearly require a tremendous undertaking to prepare this case for trial.

4. The undersigned requests this Honorable Court to permit the undersigned to withdraw as counsel of record and to either appoint counsel to represent the Defendant going forward or allow the Defendant a brief period of time to attempt to retain trial counsel.

5. An Affidavit of Counsel, as required by the Local Rules of the U.S. District Court for Southern District of New York 1.4 is attached hereto and by this reference, is made a part hereof.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document has been filed with the Clerk of Court using the CM/ECF Filing System and mailed by U.S. Mail to Fredy Renan

Najera Montoya, Register no. 76172-054, Metropolitan Correctional Center 150 Park Row, New York, NY 10007 on this 19TH day of September 2018.

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By: /s/ Victor E. Rocha, Esquire

VICTOR E. ROCHA, ESQUIRE

NEW YORK BAR NO.: VR9648